

REMARKS

Claims 8-15 are pending and under consideration.

Claims 8-13 and 15 are rejected under 35 USC §103(a) as being obvious over US Patent No. 5,623,605 to Keshav et al. in view of US Patent No. 5,548,589 to Jeon et al., US Patent No. 6,721,306 to Farris et al. and US Patent No. 5,930,265 to Duault et al. Claim 14 is rejected as being obvious over these references (4 references) in view of a fifth reference, US Patent No. 6,324,178 to Lo et al.

On October 24, 2006, Examiner Harper kindly met with the undersigned to discuss the application. Examiner Harper's time in preparing for and conducting the interview is acknowledged and gratefully appreciated.

Claim 8 of the application recites inserting substructural elements into data packets by the hub and inserting further substructural elements from another communication terminal into the data packet such that substructural elements and further substructural elements are inserted into common data packets. Independent claim 9 recites inserting said substructural elements from another communication terminal into said data packets by said access unit, such that said substructural elements and said further substructural elements are inserted into common data packets. Independent claim 15 recites inserting said substructural elements into data packets by said hub, such that substructural elements from different communication terminals are inserted into common data packets.

Referring to FIG. 1 of the application, during the interview the Examiner suggested that AAL2 subunits are being inserted into data packets. Referring to FIG. 3 of Keshav et al., gateway 100 has an encapsulator-decapsulator 425, which packs ATM cells into IP packets. In Keshav et al., the Examiner apparently believes the ATM cells correspond with the claimed substructural elements. Clearly, the AAL2 subunits are different from the ATM cells. However, it is apparently the Examiner's position that the claimed substructural elements are broad enough to read on ATM cells.

Keshav et al. does not teach how the encapsulator-decapsulator 425 operates. That is, Keshav et al. does not teach whether the encapsulator-decapsulator combines more than one ATM cells into a single IP packet. The Examiner has cited FIG. 4 of Duault et al. for this deficiency. According to the Examiner, FIG. 4 of Duault et al. teaches that it is known to combine

AAL subunits from different communication terminals into a single ATM cell. The Examiner therefore reasoned that it would have been obvious for Keshav et al. to combine ATM cells from different communication terminals into a single IP packet. The Examiner apparently believes that elements 320-320 of Keshav et al. correspond with the claimed communication terminals.

In Duault et al., the Examiner's definition of "substructural element" changes. In Duault et al., the substructural element, according to the Examiner, is the AAL subunit. The Examiner's reading of Duault et al. is similar to the Examiner's reading of the present application in this regard. By analogy, FIG. 4 of Duault et al. teaches to combine passengers from different locations onto a bus. However, the Examiner is arguing that it would have been obvious to combine different passenger busses onto a single jumbo jet. The two concepts are completely different. The fact that it may be known to combine passengers onto a single bus does not render obvious the combination of busses onto a single jumbo jet.

In the Office Action, the Examiner asserts that it would have been obvious to combine data from several users in a data packet in Keshav et al. in order to efficiently transmit an ATM cell. On the one hand, combining data from several users in a common data packet may lead to better throughput in an ATM network. However, combining data from different users would extremely increase the workload on the HUB in building the common data packets. That is, the initiated destinations for the data packets would need to be evaluated and compared with the intended destinations for the ATM cells (substructural elements). The substructural elements would need to be buffered and then later inserted into the correct data packet based on the destination because it makes no sense to combine substructural elements into common data packets that are transmitted to different target destinations. Therefore, the Examiner's suggested modification would greatly increase the processing required in the HUB. Thus, it is believed that a person of ordinary skill in the art would not have considered this modification for Keshav et al., even in view of the teachings of Jeon et al. and Farris et al. Although the Examiner asserts that the modification would "efficiently transmit" data, when considered together with the increased processing requirements, any increase in efficiency may be substantially lost.

The Examiner apparently agreed with the above analysis. Referring to the Examiner Interview Summary Record, the Examiner "agreed that it would not have been obvious to combine the Keshav and Duault references, particularly to encapsulate substructural elements into a common data packet."

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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